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Date : 10/12/2010

SUB : First Examination Report

APPLICATION NUMBER : 357/DEL/2005 | FER/297
DATE OF FILING : 18/02/2005
DATE OF REQUEST FOR EXAMINATION : 01/12/2006
DATE OF PUBLICATION : 19/06/2009
DATE OF REFERENCE BY CONTROLLER : 14/09/2010
AGENT/APPLICANT NAME : RESEARCH IN MOTION LIMITED
ADDRESS OF SERVICE : ANAND AND ANAND ADVOCATES
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a) This report is the First/ Consequent Examination Report prepared on the basis of the examination conducted on the instant application under Section 12 and 13 of the Patents Act 1970.

b) The report contains the official requirements broadly on the following grounds:

i. Whether the application and the specification and other documents relating thereto are in accordance with the requirements of this Act and of any rules made thereunder.

ii. Whether there is any lawful ground of objection to the grant of the patent under this Act in pursuance of the application.

iii. The result of investigations made under section 13; and

iv. Other prescribed matters.

c) The application under reference will be treated as deemed to have been abandoned under Section 21(1) of the Act unless all the requirements imposed by the Act and rules made there under are complied with within prescribed period of 12 months from the issuance of this report.

2. Detailed Examination Report:



(Nirmalya Sinha)
Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at the above address.

Serial
Number

Objections

- 1 Without prejudice to other objections, claims 1-17 fall within the scope of section 3(k) of the Act for claiming computer programs per se.
- 2 Subject matter claimed in claims prima facie is not novel, inventive in view of following prior patent publications: EP1296218, EP0825517 A2. Even certain patent applications filed at this office were found to be relevant enough to doubt the novelty and inventive step of the claims. These are 266/DELNP/2005 and 1372/KOLNP/2005.
- 3 Distinguishing features with reference to prior art cited is not clear.
- 4 Power of authority should be filed as soon as possible.
- 5 Statement of claims(containing claims) should start with "We claim", as prescribed in Form 2.
- 6 Certified copy of priority document should be filed.
- 7 Details regarding application for Patents which may be filed outside India from time to time for the same or substantially the same invention should be furnished within Six months from the date of filing of the said application under clause(b) of sub section(1) of section 8 and rule 12(1) of Indian Patent Act.
- 8 Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rule, 2003, in respect of same or substantially the same invention filed in all the major Patent offices such as USPTO, EPO and JPO etc., along with appropriate translation where applicable, should be submitted within a period of Six months from the date of receipt of this communication as provided under section 8(2) of the Indian Patents Act.

Anand S. Anand
15 DEC 2005
RECEIVED

21/12/05